HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G.V. SEETHAPATHY

Writ Appeal No.159 of 2007

Between:

Vadde Sattamma

... Appellant

And

The Superintendent of Police,
Mahabubnagar, Mahabubnagar District
and seven others

... Respondents

::JUDGMENT::

Counsel for the appellant : Shri K. Rama Koteswara Rao

February 15, 2007

Per G.S. Singhvi, CJ

Having failed to persuade the learned Single Judge to entertain the writ petition filed by her for issue of a mandamus to the official respondents to register criminal case against respondent Nos. 5 to 8 under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant has preferred this appeal under Clause 15 of the Letters Patent.

A perusal of the order under challenge shows that the learned Single Judge declined to entertain the writ petition on the premise that the petitioner (the appellant herein) has an effective alternative remedy under Chapters XIV and XV of the Code of Criminal

Procedure.

We have heard Shri K. Rama Koteswara Rao, learned counsel for the appellant and perused the record. In our opinion, the view taken by the learned Single Judge on the issue of maintainability of the writ petition cannot be termed as erroneous so as to warrant interference by the Division Bench. Rather, we are in complete agreement with the learned Single Judge that if the concerned police officer refused or failed to register the first information report, then the appellant should have filed complaint so as to enable the concerned Magistrate to take cognizance of the offence. She could have sought intervention of the Court only if the remedy had proved futile. However, the fact of the mater is that the appellant rushed to the High Court without availing remedy under Chapters XIV and XV of the Code of Criminal Procedure. Therefore, the learned Single Judge rightly refused to entertain the writ petition filed by her and we do not see any reason to take a different view.

With the above observation, the appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP No. 271 of 2007 filed by the appellant for interim relief is also dismissed.

G.S. SINGHVI, CJ

G.V. SEETHAPATHY, J

February 15, 2007
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